

INITIAL STATEMENT OF REASONS (ISOR)

**California Code of Regulations
TITLE 19. PUBLIC SAFETY
Division 1. State Fire Marshal
Chapter 1. General Fire and Panic Safety
Article 3. General Provisions**

Section 3.28. Plans and Specifications.

EXISTING LAW

Health and Safety Code, (HSC) Sections (§)13108(c) and 13145, require the State Fire Marshal to adopt and enforce regulations and standards deemed necessary for the protection of life and property implemented through the application of fire and life safety laws and regulations. This is achieved through code compliance inspections for new and existing buildings and building plan review of state-owned, specified state-occupied, and state institution projects as mandated by the HSC, Sections 13108(c) and 13145.

Government Code, §14963 mandates the duties and functions formerly conducted by the State Fire Marshal that relate to construction, school, plan checking, and construction inspection, are transferred to the Office of the State Architect.

These proposed regulations of the State Fire Marshal meet the intent of Health and Safety Code, §13108, §13145, and Government Code, §14963 and add specificity to the current requirements.

SPECIFIC PURPOSE, PROBLEM, BENEFITS AND RATIONALE

- 1. Problem being addressed:** The current regulations and adopted references do not address the number of changes that have occurred in existing law and the current practices of the State Fire Marshal. Currently both the Health and Safety Code and Government Code require the State Fire Marshal to review building plans and specifications to ensure compliance with California Code of Regulations, (CCR) Title 24 in all buildings and facilities, or portions thereof, to ensure the protection of life and property against fire and panic. The State Fire Marshal is making editorial changes in Title 19 to clearly define the statutory authority for review of building plans and specifications for “state owned, specified state occupied, and state institution” buildings and “public school” buildings.
- 2. Anticipated benefits from this regulatory action:** This regulatory proposal benefits State agencies, departments and related stakeholders by clarifying the duties and responsibilities of the State Fire Marshal to enforce building standards adopted within CCR, Title 24. These changes are to ensure that the built environment is safe from the harmful effects of fire and panic and are continued to be applied consistently throughout the state.

- 3. Factual Basis/Rationale:** Without these amendments, the duties, roles and responsibilities, and submittals to proper agencies would not be adequately defined, resulting in unclear and inconsistent information for our stakeholders as noted below:

Section 3.28(b) Without clearly defining the roles and responsibilities of the State Fire Marshal to foster, promote, and develop ways and means of protecting life and property against fire and panic through code compliance, inspections, and plan review services, our stakeholders cannot adequately disseminate information regarding the process used by the State Fire Marshal to achieve and ensure that state owned, specified state leased buildings, and state institutions meet the fire prevention, fire control and extinguishment methodologies required to ensure that those who work, live, and assemble at state facilities are safe from the harmful effects of fire and panic.

Section 3.28(c) Without clearly defining that Government Code, Section 14963 requires building plans and specifications for the construction, alteration or addition to any building owned, leased or rented by any public-school district be submitted to the Office of the State Architect rather than the Office of the State Fire Marshal, our stakeholders may submit drawings to the wrong agency resulting in delays for review and construction.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY OR REPORT

No technical, theoretical, or empirical studies or reports were used. The proposed regulation amendments by the Office of the State Fire Marshal were developed to maintain consistency with existing requirements found in Statute and are mostly editorial. During the crafting of the regulations, stakeholder organizations were consulted. These were conversations only, and there were no documents relied upon in connection with these consultations.

NECESSITY

The proposed additions and amendments are necessary to provide clarity and consistency for people directly affected by the regulations. These changes reduce redundancy and duplication in policy and procedures adopted by reference. Editorial changes are necessary to clearly define the statutory authority for review of building plans and specifications for “state owned, specified state occupied, and state institution” buildings and “public school” buildings.

CONSIDERATION OF REASONABLE ALTERNATIVES TO THE REGULATION AND THE STATE FIRE MARSHAL’S REASONS FOR REJECTING THOSE ALTERNATIVES

The State Fire Marshal staff has thoroughly reviewed this proposed regulatory action, including both the positive and negative impacts it will place upon the industry. No alternatives considered by the State Fire Marshal would be more effective in carrying out the proposed regulations. This proposed regulation change would be less burdensome to the affected parties than the alternatives and would be more cost

effective to private persons. The proposed regulations will be effective in implementing the statutory policies or other provisions of the law. The alternative of no regulatory action would create unclear authority resulting in inconsistent application. The SFM invites and will consider all public comments on alternatives to any of the proposed regulations.

REASONABLE ALTERNATIVES – SMALL BUSINESS

The proposed regulations have no substantial effect to small business. The SFM has identified no alternative that would lessen adverse impact, if any, on small business and still allow the SFM to effectively enforce the regulations.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The SFM can find no facts, documents, testimony, or evidence that this action will have a significant adverse economic impact on any business. The proposed regulation clarifies and adds language that better defines the requirements for businesses in current statute. There is no direct cost impact anticipated to businesses as a result of these regulations.

ECONOMIC IMPACT ANALYSIS AND ASSESSMENT

The proposed regulation amendments were made after an analysis of the building and fire code requirements for the building industry and the operations of the State Fire Marshal. No economic impacts are known or were identified.

The Creation or Elimination of Jobs within the State of California

The SFM has determined that this regulatory proposal will not have an impact on the creation or elimination of jobs. During the crafting of the regulations, stakeholder organizations were consulted. The consensus of the stakeholder representatives was that by adding these changes in regulations there will be no impact on industry in that the proposed amendments do not fundamentally change the way they are doing business.

The Creation of New Businesses or the Elimination of Existing Businesses within the State of California

The SFM has determined that this regulatory proposal will not have an impact on the creation of new businesses or the elimination of existing businesses. The regulations serve to clarify existing mandates and requirements which have no effect on the business environment.

The Expansion of Businesses Currently Doing Business within the State of California

The SFM has determined that this regulatory proposal will not have a significant impact and will not limit or discourage the expansion of existing businesses within the State of California. The regulations serve to clarify existing mandates and requirements which have no effect on the business environment.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment

This regulatory proposal provides a direct benefit to the protection of public health and safety of Californians by better preparing stakeholders.

COORDINATION WITH FEDERAL LAW

The State Fire Marshal has determined that this proposed regulatory action neither conflicts with nor duplicates any federal regulation contained in the Code of Federal Regulations.

SPECIFIC SECTIONS WHICH HAVE BEEN MODIFIED:

Section 3.28(b). It is proposed to retain existing Section 3.28(b) Public Schools language and renumber it to Section 3.28(c). New subsection (b) language is added to reflect the statutory requirements of the State Fire Marshal to enforce provisions of the HSC which requires the State Fire Marshal to review building plans and specifications to ensure compliance with California Code of Regulations, Title 24 in all “state owned, specified state occupied, and state institution” buildings and facilities, or portions thereof.

Necessity: Amendments are necessary to provide clarity because existing Title 19 regulations regarding building plans and specifications are outdated and do not specify the State Fire Marshal authority. The amendments clarify the statutory mandate in HSC 13108 specifying the State Fire Marshal’s authority to enforce building standards adopted by the Building Standards Commission in all “state owned, specified state occupied, and state institution” buildings and facilities, or portions thereof consistently throughout the state.

Section 3.28(c) and Section 3.28(c) Exceptions: (1). This section is proposed to be amended to comply with existing law and reflect those statutory requirements requiring that plans and specifications for the construction, alteration or addition to any building owned, leased or rented by any “public-school district” be submitted for review and approval to the Division of the State Architect rather than the Office of the State Fire Marshal.

Necessity: This amendment is necessary so it clearly identifies the correct agency with the authority and required responsibility as stated in statute (Government Code, Section 14963). Current Title 19 regulations indicate two possible agencies having authority for plan review of public schools. Current regulations incorrectly state to submit plans and specifications for the construction of schools to the Office of the State Fire Marshal instead of the Division of the State Architect and do not reflect the transfer of authority that occurred in 1991. The words “State Fire Marshal” are being removed and replaced with the words “Division of the State Architect”. The amendments to this section are necessary because the state agency name “Office of the State Architect” is incorrect. Replacing “Office” with “Division” provides clarity to the public for proper submittal of construction plans and specifications to the state agency.

Sections 3.28(b), 3.28(c), 3.28(d) 3.28(e) and 3.28 (f). Amendments correct numbering sequence because of the insertion of new language in Sections 3.28(b).

Necessity: These amendments are necessary to keep number and letter sequence aligned. Re-lettered Section 3.28(b) language to (c); Section 3.28(d) language to (d); Section 3.28(e) language to (f). No amendments to existing text were made, only re-lettering.

NOTE: Authority and Reference Cites: The authority and reference cites are amended for current information. Added to the NOTE: Authority sections HSC §13147 and §17921, and GC §14963; and added to the Reference section HSC §17921 and GC §14963.

Necessity: These amendments are necessary to clarify the current authority and references for the changes made to Section 3.28.